

FINDINGS OF FACT

1. That Jaysie L. Witkop is licensed to practice as a registered nurse in the State of South Dakota, and holds license number R033108.
2. That Licensee was initially licensed to practice as a registered nurse in the State of South Dakota on July 9, 2003, following graduation from Augustana College.
3. Licensee began her practice at Sioux Valley Hospital in July 2003, working in the areas of pulmonary and in critical care.
4. From January 2008 through September 2008, Licensee also worked on a PRN basis at the Avera Select Specialty Hospital.
5. Licensee took employment at the Avera Heart Hospital of South Dakota (“AHHSD”) beginning in April, 2008, and worked there up until her termination on March 25, 2009.
6. Following her termination from AHHSD, Licensee moved to Sheboygan, Wisconsin and commuted to work at the Froedtert Memorial Lutheran Hospital (“Froedtert Hospital”) in Milwaukee, Wisconsin. She was employed there from June 4, 2009 through June 29, 2009.
7. Licensee has worked with the PXYISIS medication administration system her entire nursing career and is proficient in its workings.
8. While employed in Wisconsin, Licensee’s employer utilized an ACCUDOSE for medication dispensing, which is similar to PXYISIS.

9. On March 24, 2009, the pharmacy at the AHHS reported to the director of Nursing that the PXYIS drawers were off count. One Tylenol drawer was short 15 tablets during the month and on said date, the PXYIS on A and B pods were both short 6 Flexeril tablets.

10. The Licensee had accessed both Flexeril drawers, one on March 20, 2009 and the other on March 23, 2009. In accessing the Flexeril drawers, Licensee used the cancel/remove option of the machine. The PXYIS activity report for Licensee from December 24, 2008 through March 23, 2009 showed at least 15 cancel/remove options utilized by the Licensee.

11. The cancel/remove option is rarely used. The use of this option raises a red flag.

12. The PXYIS activity report also showed the use of the cancel/remove option by the Licensee from a PXYIS on A pod when the patient was located on B pod.

13. A chart review of all medications removed from the PXYIS revealed that Licensee was using the cancel/remove options for patients she was not providing care for.

14. Medications, including Tylenol #3, and Lortab, were documented by the Licensee on the Medication Administration Record ("MAR") as administered, but withdrawal of these medications from the PXYIS were cancelled. In addition, not all medications removed from the PXYIS by the Licensee, including narcotics (Morphine and Fentanyl), were documented as administered on the MAR.

15. The PXYSSIS inventory reports of drawers in which Licensee utilized the cancel/remove option showed four discrepancies in the counts of Flexeril and Naprosyn.

16. Licensee's excessive use of the cancel/remove option on the PXYSSIS is suspicious.

17. Licensee admitted to taking medication out of the PXYSSIS from another patient to provide for a newly admitted patient prior to the pharmacy setting up the new patient's medications.

18. Licensee had been previously reprimanded by her employer and asked to discontinue her practice of removing medications from the PXYSSIS under another patient's profile for use for another patient who had not yet had their medication orders processed by pharmacy.

19. Licensee could not explain the finding of the PXYSSIS reports nor could she explain the situation of her frequent use of the cancel/remove option, nor the missing medications.

20. Licensee admitted to misuse of the PXYSSIS.

21. The cancel/remove option on the PXYSSIS is an intentional action.

22. A search of Licensee's locker at the AHHSD found 3 AHHSD packages of Acetaminophen, 325mg., 2 AHHSD packages of Ibuprofen, 400mg., 2 empty AHHSD packages of Ibuprofen, 2 Avera McKennan Hospital packages of Seroquel, 12.5mg.,

several packages of daytime cold medicine, decongestant (sudafed), and a bottle of generic anti-diarrheal medicine.

23. A drug screen done by the employer was negative.
24. Licensee denies diversion or any drug use.
25. Licensee was terminated from her employment on March 25, 2009.
26. Licensee denied getting a letter from the South Dakota Board of Nursing requesting her attendance at an Informal Meeting on June 2, 2009. Said letter was dated April 27, 2009, and sent via regular mail to Licensee's last know address in Harrisburg.
27. Licensee's husband remained living at the same Harrisburg address when Licensee moved to Sheboygan, Wisconsin.
28. Licensee did not appear at her Informal Meeting with the South Dakota Board of Nursing investigator.
29. Licensee received notice of the Summary Suspension and was advised by her employer, Froedtert Hospital, that she was under investigation.
30. Froedtert Hospital advised both the South Dakota and Wisconsin Boards of Nursing, via letter dated July 31, 2009, of Licensee's high transaction activity on their ACCUDOSE, Licensee's use of a number of pull/cancel transactions for refusal of narcotics, and Licensee's high PRN medication usage for patient care.
31. The Froedtert Hospital labeled Licensee's activities as suspicious for high volume and erratic use of controlled substances.

32. Licensee was unable to provide any explanation for her activities in regards to her at risk or reckless behavior in regards to medication administration.

33. Licensee had been a good employee with the Avera Heart Hospital up until the suspicious PXYSSIS activity was identified.

From the foregoing Findings of Fact, the Board draws the following:

CONCLUSIONS OF LAW

1. The South Dakota Board of Nursing has jurisdiction and authority over this matter pursuant to SDCL §§ 36-9-1.1 and 36-9-49.

2. That the Licensee's conduct as identified in the Findings of Fact are inconsistent with health and safety of persons entrusted to her care and violates the statutes, rules, and regulations regarding the practice of nursing and are in violation of SDCL § 36-9-49(5), (7), and (10).

THEREFORE, let an order be entered accordingly:

ORDER

Based on the Findings of Fact and Conclusions of Law, the South Dakota Board of Nursing hereby orders:

1. That the Licensee's license to practice as a licensed registered nurse in the State of South Dakota is hereby indefinitely suspended.

2. That the Licensee may petition according to SDCL § 36-9-57 for reinstatement of her license at any time upon a showing for "good cause".

3. That the Licensee shall turn in her license to the Board of Nursing within ten (10) day of this Order.

4. That the Licensee is hereby notified that any practice as, or holding herself out as, a registered nurse during the terms of this suspension is in violation of SDCL § 36-9-69.

Dated this 16th day of September, 2009.

SOUTH DAKOTA BOARD OF NURSING

Gloria Damgaard by kjr
Gloria Damgaard, Executive Director

The above Findings of Fact, Conclusion of Law, and Order of Suspension were adopted by the South Dakota Board of Nursing on this 16th day of September, 2009, by a vote of 10-0.

Dated this 16th day of September, 2009.

SOUTH DAKOTA BOARD OF NURSING

Gloria Damgaard by kjr
Gloria Damgaard, Executive Director